

LD

Notice of Allowability

Application No.

10/010,466

Applicant(s)

BAGWELL ET AL.

Examiner

Judy M. Reddick

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amnd't + Terminal Disclaimer (02/02/05) + Telephonic Interview (02/24/05).
2. ☒ The allowed claim(s) is/are 1-13 and 31-33.
3. ☒ The drawings filed on 26 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James B.

Robinson on 02/24/05.

The application has been amended as follows:

IN THE SPECIFICATION

2. On page 1, as the first sentence following the title, "This application claims priority from U.S. Provisional Application No. 60/244,262 filed on October 30, 2000, and incorporates said Application herein in its entirety" has been inserted.

IN THE CLAIMS

3. This application is in condition for allowance except for the presence of claims 14-30 & 34-36 to an invention non-elected without traverse. Accordingly, claims 14-30 & 34-36 have been cancelled.
4. In claim 2 @ line 2, "polymer" has been deleted and "homopolymer" has been inserted in its stead so as to maintain claim language consistency.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance: The instantly claimed invention elected embodiment) is deemed allowable over the prior art of record as per an acceptably filed Terminal Disclaimer and as per said art neither anticipating nor rendering obvious the precisely defined aqueous coating formulation comprising a) a cationic homopolymer or copolymer, b) a fabric softener, c) urea, and d) ammonium oxalate or ammonium tartrate, as claimed. One having ordinary skill in the art would have not been endowed with any motivation to extrapolate, from any of the prior art disclosures, the precisely defined combination of cationic homopolymer or copolymer, fabric softener, urea and ammonium oxalate or ammonium tartrate with any reasonable expectation of success.

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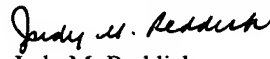
The closest prior art to GB 412,391 teaches the use of a printing paste, for application to wool, silk and animal fibers, wherein said printing paste is defined as containing at least urea, hot water, thickening agent ammonium oxalate and/or ammonium tartrate. One having ordinary skill in the art would not have been endowed with any motivation to modify the printing paste by adding thereto a cationic homo-or copolymer and a fabric softener with any reasonable expectation of success.


6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judy M. Reddick whose telephone number is (571) 272-1110. The examiner can normally be reached on 6:00 a.m. - 2:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Judy M. Reddick
Primary Examiner
Art Unit 1713

JMR 
02/24/05